Serial No.: 09/751,959 Attorney Docket No.: 00P9128US

REMARKS

Claims 1-20 are pending.

Claims 17 and 18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the term "said frame" in claim 17 was indicated to lack antecedent basis. Applicants respectfully submit that antecedent basis is found in claim 16, "said slot monitor module providing said frequency select module with a count of a number of active slots being sent per frame." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-20 were rejected under 35 U.S.C. 102(b) as being anticipated by WO/9859438 ("Sydon"), corresponding to U.S. Patent No. 6,693,885. In order for there to be anticipation, each and every element of the claimed invention must be present in a single, prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Sydon.

Claims 1 and 5 recite "identifying active slots in a frame; and . . .determining a duration of carrier usage based on durations of said active slots;" Claim 9 recites "a slot monitoring module adapted to identify active slots in a frame; and a frequency selection module adapted to determine a duration of carrier usage based on durations of said active slots;" claim 12 recites "determining a duration of carrier usage based on total durations of said number of active slots;" and claim 16 recites "wherein the fixed station and the mobile station communicate according to a frequency hopping scheme with frequencies chosen by said frequency select module with input from said slot monitor module, said slot monitor module providing said frequency select module with a count of a number of active slots being sent per frame."

As discussed in the Specification, embodiments of the present invention relate to a frequency hopping spread spectrum telecommunication system which selects carrier

frequencies based on the number of active slots. The total duration that carriers are employed is then based on the number of active slots, rather than the number of frames.

That is, embodiments of the present invention may employ a frequency selection module 506 and a slot monitor module 508 having a counter 510. The frequency selection module 506 may operate according to any frequency hopping scheme, and receives inputs from the slot monitor 508. More particularly, the slot monitor 508 monitors transmissions and, in certain embodiments, using a counter 510, counts the number of active slots being sent per frame. The slot monitor 508 then informs the frequency selection module of the number of active slots. The duration of these slots is then used by the frequency selection module 506 in its calculation of the amount of time available during a particular period that a given carrier frequency can be used.

In contrast, Sydon relates to determining opportune times for when to make a change in carrier frequency. More particularly, Sydon makes use of inactive time slots to perform a carrier frequency change; the duration of the inactive slots is half the duration of an active slot. Sydon does not, however, determine how long a particular frequency may be used *based on durations* of active time slots, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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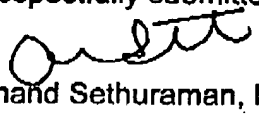
Respectfully submitted,



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